

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **September 14, 2004**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – 208 Schothum Street, Nextel Partners, Inc.**

RECOMMENDATION: Approval of the requested Conditional Use Permit.

SUMMARY: Nextel Partners, Inc., is petitioning for a conditional use permit at 208 Schothum Street to allow the construction of telecommunications equipment in an R-1, Single-Family Residential District. The Planning Commission recommended approval of the CUP because:

- The petition agrees with the *Comprehensive Plan* which permits public and institutional uses in Low Density Residential areas.
- Petition proposes the use of an existing transmission tower to collocate a telecommunications facility that will incorporate a stealth design.

PRIOR ACTION(S):

August 25, 2004: Planning Division recommended approval of the CUP.
Planning Commission recommended approval 5-0 (with 2 members absent) of the CUP with the following conditions:

1. The property shall be developed in substantial compliance with the site plan Nextel Partners, Blue Ridge, VA163P, received July 28, 2004.
2. The buildings and fence shall be of a “stealth” design and will be constructed as shown in the submitted photo simulations.
3. The “fort worth” extension shall be painted a color as determined by the Planning Division.
4. Landscaping shall be maintained.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 455-3902
Tom Martin / 455-3909

ATTACHMENT(S): **ALL ATTACHEMENTS CAN BE VIEWED IN THE DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT, 2ND FLOOR, CITY HALL, 900 CHURCH STREET.**

- Resolution
- PC Report
- PC minutes
- Vicinity Zoning Pattern
- Vicinity Land Use
- Site plans
- Letter of support
- Speaker Sign Up Sheet

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO NEXTEL PARTNERS, INC. FOR USE OF THE PROPERTY AT 208 SCHOTHUM STREET TO ALLOW CONSTRUCTION OF TELECOMMUNICATIONS EQUIPMENT, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Nextel Partners, Inc. for use of the property at 208 Schothum Street to allow construction of telecommunications equipment be, and the same is hereby, approved, subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan Nextel Partners, Blue Ridge, VA163P, received July 28, 2004.
2. The buildings and fence shall be of a "stealth" design and will be constructed as shown in the submitted photo simulations.
3. The "fort worth" extension shall be painted a color as determined by the Planning Division.
4. Landscaping shall be maintained.

Adopted:

Certified:

Clerk of Council

126L

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: August 25, 2004
Re: **CONDITIONAL USE PERMIT (CUP): 208 Schothum Street, Nextel Partners.**

I. PETITIONER

Nextel Partners, Inc. 5115 Bernard Drive, #200, Roanoke, VA 24018.

Representative: Mr. Steven Sung, Nextel Partners, Inc. 5115 Bernard Drive, #200, Roanoke, VA 24018.

II. LOCATION

The subject property is a tract of about 54.37 acres located at 208 Schothum Street.

Property Owner: Valencia Properties, LLC, 3727 Old Forest Road, Lynchburg, VA 24501.

III. PURPOSE

The purpose of this petition is to allow the construction of a fifteen (15) foot telecommunications antenna extension to an existing American Electric Power (AEP) tower and a two hundred (200) square foot equipment cabinet in an R-1, Single-Family Residential District.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which permits public and institutional uses in a Low Density Residential Area.
- Petition agrees with the Zoning Ordinance in that a telecommunication facility is a permitted use in an R-1, Single-Family Residential District upon approval of a Conditional Use Permit by the Planning Commission and City Council.
- Petition proposes the use of an existing transmission tower to collocate a telecommunications facility and will incorporate a stealth design.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends Low Density Residential land use for the subject property. Low Density Residential Areas are dominated by single-family housing at densities of up to four (4) units per acre. Additional uses may include public and institutional uses compatible in scale with single-family residential homes. The collocation of telecommunication facilities on existing towers is encouraged. The proposed telecommunication cabinet will be similar in scale and appearance to a residential storage building.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Single-Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed residential subdivision.
4. **Surrounding Area.** The following items have required City Council approval in the area:
 - November 12, 1991, the City Council approved the rezoning petition of Dominion Land & Real Estate from I-3, Heavy Industrial to R-C, Conservation District at 117 Wiggington Road.
 - March 9, 1999, the City Council approved the CUP petition of Lester Mulligan and Albert Henry for the construction of a veterinary hospital at 802-804 Wiggington Road.
 - December 16, 2003, the City Council approved the rezoning petition of Gantt, Investment Properties from R-2, Single-Family Residential District to B-3, Community Business District (Conditional) at 813 Mercury Street.
5. **Site Description.** The subject property is bounded to the north, south, east and west by single-family residential uses or vacant land.

6. **Proposed Use of Property.** The purpose of the CUP is to allow construction of a telecommunications antenna and equipment shelter.
 7. **Traffic and Parking.** The City Traffic Engineer has no comments of concern regarding the subject petition. The proposed use is not expected to generate a significant amount of traffic. Any vehicles at the proposed site will be able to park in the proposed twelve (12) foot access driveway.
 8. **Storm Water Management.** Development of the subject property is not expected to generate a significant amount of stormwater. A stormwater management plan / erosion and sediment control plan will be required if disturbed areas are to exceed one thousand (1000) square feet.
 9. **Impact.** A series of transmission towers and the wires they support already have a major impact on the visual quality of the immediately surrounding neighborhood. The visual impact of the extension to the existing tower will be minimal. The petitioner has agreed to work with the Planning Division in choosing a color for the proposed extension that will help it blend into the sky better than a galvanized metal extension would. The petitioner has submitted photo simulations of the proposed equipment shelter, showing a brick façade and pitched roof, similar to a residential out building. Impacts from the proposal should be minimal.
 10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on July 20, 2004. Comments related to the petition were minor in nature, and have or will be addressed by the petitioner prior to final site plan approval.
 11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary or appropriate in approving a CUP.
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VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Nextel Partners, Inc. to allow the construction of telecommunications equipment at 208 Schothum Street subject to the following conditions:

1. **The property shall be developed in substantial compliance with the site plan Nextel Partners, Blue Ridge, VA163P, received July 28, 2004.**
2. **The buildings and fence shall be of a “stealth” design and will be constructed as shown in the submitted photo simulations.**
3. **The “fort worth” extension shall be painted a color as determined by the Planning Division.**
4. **Landscaping shall be maintained.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas DeJarnette, Fire Marshal
Ms. Judith C. Wiegand, AICP, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Mr. Steven Sung, Representative

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**

(see attached map)

2. **Vicinity Proposed Land Use**

(see attached map)

3. **Site Plan**

(see attached site plans)

4. **Photo Simulations**

(see attached photo simulations)

MINUTES FROM THE AUGUST 25 PLANNING COMMISSION MEETING

These minutes have been reviewed, but not approved, by the Planning Commission

Petition of Nextel Partners, Inc., for a Conditional Use Permit at 208 Schothum Street to allow the construction of telecommunications equipment in an R-1, Single-Family Residential District.

Mr. Holland also represented this petition for Nextel. He had no further comments about this petition as his explanation of the previous petition covered both sites.

Commissioner Echols made the following motion, which was seconded by Commissioner Worthington and passed by the following vote:

“That the Planning Commission recommends to the City Council approval of the petition of Nextel Partners, Inc. to allow the construction of telecommunications equipment at 208 Schothum Street subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan Nextel Partners, Blue Ridge, VA163P, received July 28, 2004.
2. The buildings and fence shall be of a “stealth” design and will be constructed as shown in the submitted photo simulations.
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AYES: Bacon, Dahlgren, Echols, Flint, Worthington

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NOES:

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ABSTENTIONS:

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